

Appendix C

Exhibit 424

"Comingle.pdf"

New Business:

Gary Carney - Commingle A&B and private water:

Manager Temple received a request from Gary Carney to allow the commingle of A&B water and his private water. He wants to install a pivot that would circle his private and A&B lands.

The Board and Management discussed the potential problems with the commingle of water rights. Commingle lands are required to be reported under Reform Reclamation Act and it would be difficult for the District to determine actual usage from district wells. No decision was made at this time.

Waterspread Land - Drain Permits:

Manager Temple informed the Board several water spread water rights were filed under drain permits. Due to changes in their farm operation some drain permits have been cancelled but the water-spread acres are still being charged the drain permit assessment.

After further discussion, Larry Moore made a motion, seconded by Norm Schoen that any enlargement (water spread) acres will pay the normal O&M assessment charges unless it is established that the lands or a portion of the lands are irrigated with drain water. The Board approved.

Pipeline Installation:

When a water user wants to pipe a lateral, the district policy allows for the water user to purchase the pipe and the district will install the pipe. The District has received more requests to install pipelines than time allows before the irrigation season. Manager Temple received a request from a water user to reimburse him for the installation of the pipe.

It was the consensus of the Board that water users will have to bear the full cost of approved pipelines and installation when the district does not have time to participate.

An agreement will be prepared in which the water user will assume all responsibility and liability of the pipeline design criteria and installation. After inspection and testing by the district, the district will assume ownership and maintenance of the pipeline if all criteria is met.

Reduction of O&M, Construction and Penalty & Interest Charges:

Manager Temple received a request from Cecil Dozier to reduce the delinquent O&M, Construction and penalty and interest charges on his farm units.

It was the consensus of the Board to deny his request. As per Idaho Code, the Board has no authority to reduce these charges.

Combinations - Idle Lands:

The Board and Management discussed combinations in regards to the Idaho Power Irrigation Buy-Back Program. If A&B lands were put in the program and sit idle, would those lands be allowed to be used in a combination with other farm units?

Jerry Meireis made a motion; seconded by Norm Schoen to table any decision until the irrigation season begins and see how this situation develops. The Board approved.

Old Business:

Gary Carney – Commingle A&B and Private Water:

X The Board was informed Gary Carney had installed a pivot without further discussing this installation with the District. The pivot will have the possibility to commingle A&B and private water on both A&B and private lands as discussed in the March Board meeting.

Mr. Carney will be informed by the District that RRA regulations require him to file on private acres if he commingles A&B and private held water rights on non-A&B acres. The District will monitor total water usage from the District well to determine if District water is being applied to private lands.

Motion Summary Judgement:

Manager Temple informed the Board through communication with Attorney Ling The Motion for Summary Judgement regarding priority dates for water spread lands was denied. Attorney Ling will provide more information at a later date.

District Power Costs:

Manager Temple again reviewed the proposed power cost increase as reported at the March 30, 2001 meeting. He informed the Board the District has received several inquiry's concerning what the power costs could be for the 2002 season. Manager Temple is informing waterusers the power cost increase could possibly increase the O&M assessment by \$4.00 per acre.

New Business:

Excess Water Charges – George R. Grant:

Manager Temple received a request from Brent Griffin and Ken Kostka to review the 2000 excess bill for George R. Grant on Tract E, 19 824 which was leased by Ken Kostka in 2000.

Manager Temple informed the Board the District failed to complete a point of diversion change to the records requested by Brent Griffin as agreed to. Because the record was not changed this allowed all of Brent's water being used on his farm unit (Tract F, Sec. 19 824) to be charged to George R. Grant farm unit (24AB 823-3) and because of this mistake the \$2,361.69 (165.5 Ac Ft) excess bill should be cancelled.

Harold Heins made a motion, seconded by Larry Moore to cancel the excess water charge of \$2,361.69 on George Grant's Roll account 4-161 due the point-of-diversion change not being completed. The Board approved.

Combinations – Idaho Power Buy Back Program:

The Board discussed the combination of farm units if the farm unit is in the Idaho Power Buy Back Program.

Jerry Meireis made a motion, seconded by Norm Schoen if the farm unit has a history of being combined with the wateruser and that farm unit is in the Idaho Power Buy Back Program they can be combined. Harold Heins opposed the motion. Larry Moore abstained. The motion carried.

Old Business:

Jason Crane 33A 725 Stilling Pool Fence:

Jason Crane made a request to the Board to construct a fence around the 33A 725 stilling pool in May 1999. The Board had denied this request.

Manager Temple informed the Board Mr. Crane went ahead and constructed the fence.

Jerry Meireis made a motion, seconded by Norm Schoen to have Attorney Ling write a letter to Mr. Crane informing him to remove the fence around the 33AB 725 within sixty (60) days or sign an agreement to indemnify and hold harmless the District against any claims for injury to person or property as a result of the installation of the fence. The Board approved.

Water Private Lands with A&B Water:

Manager Temple informed the Board that he had received phone calls from A&B water users questioning why A&B was allowing A&B waters to be applied to non-A&B lands.

After further discussion, it was the consensus of the Board to have District staff review and inventory this type of situation where private water and A&B water can be commingled across the project before any actions could be taken.

7A 824 New Well:

Manager Temple informed the Board the newly drilled 7A 824 well does not produce the sought after capacity. With the 6A 824 and 7A 824 connected together a delivery criteria of .85 will be delivered and possibly this fall more drilling could be tried.

Abandoned Injection Wells:

Discussion was held regarding past and future injection well closures. Manager Temple asked what was the District's responsibility if sprinkler irrigated lands because of increasing power costs wanted to convert back to gravity irrigation and start draining return flows back to a closed injection well. Attorney Ling informed the group the District has the original responsibility to take care of the ag return flows and would have to do so in the future. Manager Temple informed the Board that if this were the case it would change the district abandonment program considerably, if further closures could take place at all.

New Business:

Penalty & Interest Charges – Tuckness & Greenwell:

Manager Temple received a request for Morris Greenwell to waive the penalty & interest charges on his O&M assessment, which he paid May 3, 2001.

The Board further discussed this request and the request from Ernie Tuckness.

Harold Heins made a motion, seconded by Jerry Meireis to deny the request from Morris Greenwell and Ernie Tuckness to waive the penalty & interest charges on their O&M assessment. The Board approved.

IWUA Water Law Seminar:

The IWUA Water Law Seminar will be held June 21-22, 2001 at the Sun Valley Resort.

A&B IRRIGATION DISTRICT - RUPERT, IDAHO

Minutes of the Special Meeting of the Board of Directors of
May 19, 2001

Special meeting of the A&B Irrigation District Board of Directors was called to order by Chairman Harold Mohlman at 12:00 P.M. Director's Harold Heins, Norm Schoen, Jerry Meireis, and Larry Moore were present. The A&B staff was represented by Manager Dan Temple, Secretary-Treasurer Diana Warburton and Attorney Roger Ling.

Guy Meuleman-Leasing Unit A Water:

The Board received a written request for further information and to address concerns that Guy Meuleman and other water users had pertaining to the May 10, 2001 Board meeting they attended dealing with leasing of Unit A water. (copy of letter attached)

It was the decision of the Board to respond to this request with a letter drafted by Chairman Mohlman and signed by the Board of Directors and enclose a copy of the Water District 01 rental pool rules. (copies attached)

Vic Engkraf - Gravel Pit Lease:

Manager Temple informed the Board at the present the District has not received a rental payment due April 1st or the new signed lease agreement from Mr. Engkraf on the gravel pit lands.

It was the consensus of the Board to look at the situation at the June Meeting if it had not been resolved.

Gary Carney - Commingle A&B and Private Water Rights:

X Manager Temple had received a telephone call from Idaho Dept. of Water Resources informing the District that Gary Carney was making a point of diversion change between his two privately owned wells in Section 1 & 2 921. In Mr. Carney's application he was applying to include A&B irrigable lands under his private water right.

It was the decision of the Board after consulting with Attorney Ling to inform IDWR that A&B would protest this application if Mr. Carney's filing included A&B irrigable lands.

There being no further business to come before the Board of Directors at this Special Meeting, the meeting was adjourned at 1:10 P.M.

Signed: Diana Warburton

Date: June 12 2001

Approved:

Chairman: Harold Mohlman

Harold Heins made a motion, seconded by Norm Schoen to authorize Manager Temple to proceed with the exchange of storage water between individual irrigation districts and canal companies up to a maximum 50,200 acre feet and enter into a Temporary Storage Water Exchange Agreement, with the following conditions; the cost of storage water will be at the same rate as the water bank rental pool \$2.95 per acre foot and the irrigation districts or canal companies will transfer their first stored water accrued after the 2001 irrigation season to the A&B District. The Board approved.

Old Business:

7B 824 – Accidental Mercury Spill Well:

Manager Temple informed the Board IDEQ has accepted the District's 7B 824 abandonment proposal. The proposal and IDEQ acceptance will be forwarded to IDWR for final approval.

Commingling- A&B & Private Water Rights:

The Board, Management and Attorney Ling discussed the commingling of A&B and private water rights.

Since two A&B water users who's private wells are in the Idaho Power Buy Back program and who are using district water exclusively to water their private lands, Harold Heins made a motion, seconded by Jerry Meireis to authorize Attorney Ling to write a letter to Gary Carney and Billie C. Vandever notifying them that they must immediately cease and desist the irrigation of non-irrigable lands or other lands that have not been authorized by the District to be irrigated with water provided by the District. The Board approved.

Manager's Report:

Manager Temple informed the Board of the following:

1. Senator Craig's staff contacted Manager Temple with questions regarding NRSC's request for \$3 million dollars funding to aid A&B water users with on farm changes to assist the District with the drain well closure program.
2. Unit A was on allotment June 22 through July 9 delivering .85, except for the G, which was at .75.
3. Manager Temple received a telephone call from Mrs. Neiwert complaining when the 2A 1022 was running it caused the domestic wells in the immediate area to pump mud. The 2A 1022 is only started when Unit A is on full allotment between one and two weeks.

IWUA Director's Meeting:

Harold Mohlman reported on the IWUA Director's Meeting, which included a tour for a Congressional Delegation from Washington, D.C.

August Meeting Set:

The regular meeting for August was set for August 9, 2001 at 8:00 P.M.

A&B IRRIGATION DISTRICT - RUPERT, IDAHO

Regular Meeting of the Board of Directors – November 7, 2001

Regular meeting of the A&B Irrigation District Board of Directors was called to order by Chairman Harold Mohlman at 10:00 A.M. Director's Harold Heins, Jerry Meireis, Larry Moore and Norm Schoen were present. The A&B staff was represented by Manager Dan Temple, Secretary-Treasurer Diana Warburton and Attorney Roger Ling.

Minutes:

Regular minutes of October 11, 2001 were read to the group. Larry Moore made a motion, seconded by Norm Schoen to approve the Regular Meeting minutes. The Board approved.

Special Minutes of October 19, 2001 were read to the group. Jerry Meireis made a motion, seconded by Norm Schoen to approve the Special Meeting minutes. The Board approved.

October Treasurer's Report:

The October Treasurer's Report was presented to the Board for their review. Larry Moore made a motion, seconded by Norm Schoen to approve the October Treasurer's Report. The Board approved.

October Expenses:

Expense vouchers in the amount of \$136,420.34 (\$135,670.74 + \$749.60 Board Expense) were reviewed by the Board. Jerry Meireis made a motion, seconded by Norm Schoen to approve the expenses and authorize payment from general fund. The Board approved.

NWRA Annual Conference:

Harold Mohlman and Roger Ling attended the NWRA conference. Attorney Ling was awarded the President's Award.

Old Business:

Commingle A&B and Private Water Rights:

Gary Carney has been involved with IDWR trying to facilitate a water transfer between A&B lands and private lands to help resolve his commingle issue.

The Board and Management discussed formulating a district policy to address commingling of A&B and private water rights to deal with all individuals that have this potential.

Jerry Meireis made a motion, seconded by Harold Heins to adjourn for lunch at 12:10 P.M. The Board approved.

The meeting reconvened at 1:20 P.M.

Commingled of A&B and Private Water Continued:

The Board, Management and Attorney Ling continued to discuss this issue.

It was determined to set a special meeting to address the commingling for November 20, 2001 at 10:00 A.M.

Water Conservation Plan:

Manager Temple informed the Board a draft copy of the Water Conservation Plan was forwarded to the Bureau. The Board was given a draft copy for their review to make comments on the plan and return to Manager Temple at the next meeting.

New Business:

Pete Parkin Excess Charges:

Manager Temple informed the Board Pete Parkin was overcharged 86.6-acre feet on his 2000 excess charges.

Harold Heins made a motion, seconded by Jerry Meireis to reimburse Pete Parkin \$1,915.44 for the overcharge on his 2000 excess bill. The Board approved.

19AB 825 – Gary and Doug Hansen:

Doug and Gary Hansen have requested a facilities system change at the 19AB 825. They have asked Manager Temple to discuss with the Board if they should be 100% responsible for the cost of new transformers needed to make this change.

After further discussion it was the consensus of the Board since the facility changes being made at the 19AB 825 were to accommodate the Hansens pivot, (allowing it to make a full circle) and the fact that other waterusers who had made the same changes were required to be responsible for all costs, Gary and Doug Hansen would need to pay 100% of the cost of the transformers.

Undeveloped Withdrawn Lands:

The Bureau is proposing to transfer certain parcels of undeveloped withdrawn lands within the district boundaries to BLM to manage.

The Bureau requested Manager Temple to discuss this proposal with the Board to see if they would have any objections to the transfers.

In discussion, Attorney Ling discussed the possibility that incidental credit revenues would be lost if the Bureau begins to return them back to the district as we feel the repayment contract requires, and could also make any future needs for these lands by the district harder to obtain from BLM verses the Bureau of Reclamation.

A&B IRRIGATION DISTRICT - RUPERT, IDAHO

Special Meeting of the Board of Directors – November 20, 2001

Special meeting of the A&B Irrigation District Board of Director's was called to order by Chairman Harold Mohlman at 9.30 A.M. Director's Norm Schoen, Jerry Meireis, Larry Moore and Harold Heins were present. The A&B staff was represented by Manager Dan Temple, Secretary-Treasurer Diana Warburton and Attorney Roger Ling.

Commingle of A&B and Private Rights:

The Board, Management and Attorney Ling discussed possible options and ways to address the commingling of A&B and private rights.

Jerry Meireis made a motion, seconded by Harold Heins to have Manager Temple and Attorney Ling draft a policy from these options for illegal diversion of District water involving commingling of A&B and private water rights. The draft policy will be discussed at a later date. The Board approved.

Use of Private Employee Vehicles:

The district's liability when employees use their private vehicles to attend safety meetings during the workday in the Rupert yard was discussed.

Attorney Ling advised the Board and Management workman's comp insurance would cover the employee's injuries if an accident occurred. The District would not be liable for any damages to private vehicles.

Adjournment:

The special meeting of the Board of Directors was adjourned at 11:55 P.M. so the Board could attend the Magic Valley Ground Pumpers Association meeting regarding the Basin 35 Interim Stipulated Agreement.

New Business:

Fish & Game Memorandum of Understanding:

Manager Temple presented the Board with a copy of a Memorandum of Understanding with the Fish & Game for their review. The MOU creates a working relationship between the Fish & Game and A&B to create an artificial wetland project on the C-6 drain.

It was the consensus of the Board to have Manager Temple sign this agreement.

Pickup Bids:

Manager Temple informed the Board that Invitation for Bids for six new ½ ton 2002 pickups would be published. Sealed bids will be received until 10:00 a.m. January 8, 2002.

Water Conservation Plan:

Manager Temple discussed the draft copy of the Water Conservation Plan and asked the Board for their comments.

Having no objections as written it was the consensus of the Board to have CH2M Hill finalize the Water Conservation Plan and submit it to the Bureau.

Cafeteria Plan:

Manager Temple discussed with the Board an Employee Cafeteria Plan. Employees would voluntarily join the plan. It will provide an opportunity to use pre-tax dollars to pay for qualifying insurance plans and unreimbursed medical care expenses.

The benefits for the District and employees were discussed.

Jerry Meireis made a motion, seconded by Larry Moore to establish a District Cafeteria Plan with the plan year beginning 12-1-01. The Unreimbursed Medical Care Expense will not exceed \$1000.00 per plan year. The Unreimbursed Medical checking account will be established with \$2500.00 from general fund. The Board approved.

Commingle of A&B & Private Rights Policy:

Manager Temple presented a draft copy of policy ideas for their review to be discussed at a later date.

The meeting adjourned at 11:50 A.M. for lunch.

The meeting reconvened at 1:50 P.M. without Attorney Ling and Manger Temple because of other meeting they needed to attend.

MaryAnn Spaulding 2001 Excess Water Charges:

Secretary-Treasurer Warburton informed the Board MaryAnn Spaulding requested her excess water bill be adjusted. She thought she was charged for water usage for one extra day. In reviewing the District records she was overcharged for one day.

Jerry Meireis made a motion, seconded by Norm Schoen to cancel 2001 excess charges for MaryAnn Spaulding in the amount of \$11.62. The Board approved.

Commingle of A&B and Private Water Rights:

As requested in the October 2001 Board meeting a copy of the draft policy regarding commingling of A&B and private water rights was presented to the Board for their review.

The Board discussed the draft policy at length.

It was the consensus of the Board to table discussion on this policy until the afternoon.

Annual Meeting:

An annual meeting will be held March 18, 2002 at 1:00 P.M. at the Rupert Elks. The Board and Management reviewed the agenda.

New Business:

Flood Waters:

Leonard Schafer contacted Manager Temple with concerns that the District was pumping flood water from closed basins within the district to the H drainage which was compounding flooding problems on his farm located on the Minidoka Irrigation District at 250 N 600 W.

Manager Temple advised him the District does not and would not move flood flows from one basin to another compounding any flooding problems.

The meeting was adjourned for lunch at 12:15 P.M.

The meeting reconvened at 1:30 P.M. without Attorney Ling.

Commingle of A&B and Private Water Rights:

Discussion regarding the draft policy for commingle of A&B and Private Water Rights continued.

Jerry Meireis made a motion, seconded by Harold Heins to accept the Resolution for Commingling of A&B and Private Water rights. Larry Moore opposed the motion. The motion carried. (see attached amended resolution)

Old Business:

East Water Master:

Seven employees had applied for the East Water Master position. Calvin Pruett was selected.

New Business:

Request for Leasing of Storage Water:

Twin Falls Canal Co. had made a verbal request for leasing of the District's storage water for the coming season.

It was the consensus of the Board to review this request after the District has determined the amount of reservoir storage for this irrigation season.

A&B IRRIGATION DISTRICT - RUPERT, IDAHO

Special Meeting of the Board of Directors - March 18, 2002

Special meeting of the A&B Irrigation District Board of Directors was called to order by Chairman Harold Mohlman at 11:30 A.M. Director's Norm Schoen, Jerry Meireis, Larry Moore and Harold Heins were present. The A&B staff was represented by Manager Dan Temple, Secretary-Treasurer Diana Warburton and Attorney Roger Ling.

Commingle of A&B and Private Water Right:

X The Board, Management and Attorney Ling discussed the commingle policy adopted at the March 13, 2002 board meeting.

It was the consensus of the Board to amend the policy. (see amended policy March 13, 2002 Board minutes)

Water Right Transfer - Francisco

Manager Temple received a request from Jerry Francisco to transfer water rights from the Steve Koch farm unit to his farm unit. He will be transferring water rights to replace waterspread water rights.

The Board had no problem with this water right transfer. Manager Temple will inform Jerry Francisco to go ahead with the transfer.

Adjournment:

The special meeting of the Board of Directors was adjourned at 12:30 P.M.

Signed:

Diana Warburton

Date:

4-13-02

Approved:

Chairman:

Harold Mohlman

A&B IRRIGATION DISTRICT - RUPERT, IDAHO

Special Meeting of the Board of Directors of – March 28, 2002

Special meeting of the A&B Irrigation District Board of Directors was called to order by Chairman Harold Mohlman at 11:00 A.M. Director's Norm Schoen, Jerry Meireis, Larry Moore and Harold Heins were present. The A&B staff was represented by Manager Dan Temple and Secretary-Treasurer Diana Warburton.

Commingling of A&B and Private Water Rights Policy:

X Since the annual meeting several waterusers have explained their watering operations to Manager Temple. Because of several different scenarios on how commingling is taking place on the farm units, Manager Temple requested clarification from the Board on how to enforce the commingling policy.

The policy was discussed with Manager Temple. The Board agreed the current policy was adequate for all scenarios and the waterusers should be informed they must comply with the policy as written.

Power Meeting:

The Bureau will hold a meeting April 1, 2002 at Glens Ferry to discuss future power and wheeling rates with the Southern Idaho Power Users.

Adjournment:

The Special meeting of the Board of Directors was adjourned at 12:45 P.M.

Signed:

Diana Warburton

Date:

4-13-02

Approved:

Chairman:

Harold Mohlman

**RESOLUTION
OF
A&B IRRIGATION DISTRICT**

Under the laws of the State of Idaho, the water rights of A&B Irrigation District are held for the irrigation of lands within the A&B Irrigation District, and water diverted by the District under these rights must be applied and used on only those lands in the District that are identified under the District's water rights as the place of use.

Individuals that are owners and/or operators of privately held water rights may or may not have a legal right to apply water under those rights to A&B farm units to supplement A&B water, depending on the place of use element of the right.

If an illegal use is found to be occurring by applying A&B Irrigation District water to lands other than lands to which the District water rights are appurtenant, and the illegal use is not terminated to the satisfaction of the District, legal action will be taken to enjoin such illegal use, and whether the illegal use is terminated voluntarily or by court order, the following rules shall apply to the landowner's land that was entitled to receive the water illegally used in that irrigation season, to-wit:

1. The farm unit shall immediately lose its eligibility to be included in any farm unit combination for the year any illegal water use occurs and any existing combination shall be deemed to be void.
2. The excess water rate that will apply and be charged to the owner of such farm unit or units will be \$50.00 per acre-foot for each acre-foot of excess used.

Please call the A&B Irrigation District office to confirm your filling status. We will not clear you for water until we hear from you.

Trusts:

If your landholdings are held in a Trust the Bureau of Reclamation Rules state: "Any trust that holds nonexempt land (irrigation or irrigable land that is subject to the acreage limitation provisions) that will receive Reclamation irrigation water must be reviewed and approved by Reclamation. Therefore, the Trust papers would need to be brought into the office, so we can copy the pertinent pages, and then forward those to the Bureau of Reclamation.

NOTICE:

If a landholder's ownership or leasing arrangements change in any way during the irrigation season, you must notify the District of that change immediately. The Bureau of Reclamation will assess a fine of \$260 for not filing a corrected or new RRA from the day of the change. Changes can consist of new entries created such as corporations, partnerships, trusts, estates, etc. or the acquisition of new lands or the sale of any existing lands.

Any RRA forms not filed correctly will be fined \$260 by the Bureau of Reclamation per irrigation season until the correct form is filed and will be ineligible to receive irrigation water.

Remember that we will need to have received the correctly completed form(s) both owner's and lessee's (if any) 24 hours prior to any requested water delivery date.

Reminder:

With spring approaching, we are beginning another year trying to get the delivery and drainage systems ready to handle water. Please help by removing any gated pipe, handlines, etc. from District right of ways to help assist the District burning crews. A&B will not be responsible for any damage done to private equipment left within the District's right of way. Thank you for your cooperation.

Board:

Harold Mohlman, Chairman
Larry Moore, Vice-Chairman
Harold Heins
Jerry Meireis
Norm Schoen

Staff:

Dan Temple ----- Manager
Diana Warburton ----- Secretary-Treasurer
Ed Phillips ----- West Yard WaterMaster
Calvin Pruett ----- East Yard WaterMaster
Dick Pfeiffer ----- Elec/Mech Foreman
Lauren Jackson ----- Shop Foreman

Ditchriders:

101 -- Jim Plocher ----- 532-4515
102 -- Jim Singleton ----- 532-4631
103 -- To Be Announced ---- 000-0000
104 -- Dell Lowder ----- 532-4317
105 -- Kevin Watson ----- 532-4982
106 -- Dave Greer ----- 436-0425
107 -- Kerry Taylor ----- 438-5827
108 -- Lyle Martindale ----- 678-8922
109 -- Steve Timmons ----- 678-7067
110 -- Tim Garner ----- 678-4169



A&B Irrigation District

News Letter Spring, 2002

Office - 436-3152

East Yard - 532-4329

West Yard - 438-2462

Twenty-four Hour Notice For Ordering Your Water:

The District's power is wheeled to District facilities over Idaho Power transmission lines by contract between Bonneville Power Administration and Idaho Power. This wheeling contract expires at the end of 2002 and negotiations between BPA, Idaho Power, and the Bureau of Reclamation are currently underway. The new contract will include more stringent power load scheduling requirements, as well as the new future wheeling rate costs, for the District. The District is in close contact with the Bureau of Reclamation regarding negotiations, and they are advising us that the daily scheduling of the Districts power needs is one of the main focal points of the negotiations. Although we do not know all the scheduling requirements at this time, we do know the Bureau of Reclamation, at Bonneville Power Administration and Idaho Power's request, is going to require exact daily power load scheduling from the District this season.

What does this mean?

1. All water orders to come on, off, or to make volume flow changes will have to be given to the ditch riders 24 hours in advance.
2. Unit A water orders will have to be given to the rider no later than 3:30 P. M. for any changes for the following day.
3. Unit B water orders will have to be given to the riders no later than 4:30 P.M. for any changes for following day.

Phone call orders allow for the possibility of mistakes. Please assist us and use the request card and card posts and make sure the card is up before the riders scheduled arrival time at your delivery system.

To avoid any confusion or mistakes, if the rider does not have the signed water order request card in his possession at the scheduled time of that delivery, no water will be delivered that day and you will have to make a new request and wait until the following day.

District Power Costs:

The District's power needs for pumping are supplied from Bureau of Reclamation generating facilities, as designated by the District's repayment contract with the United States. Costs for this power is based on the Bureau's actual cost to generate the power. As their operation costs escalate, and the total number of KWH being generated is reduced because of low water years, the District power rate is increased to meet the Bureau's cost of production.

The 2002 power rate increase amounted to a \$5.00 per acre increase raising the Districts O&M assessment from \$36.00 to \$41.00 per acre.

The Bureau, because of lower generating capabilities forecasted for this season, is already advising the District to expect a minimum of a \$3.00 per acre increase to the District for the 2003 season. They have also advised us that in the future if we would have a couple of large reservoir storage

years, that would allow for more power generation, additional rate increases may not be necessary and could possibly even lower the Districts current power rate.

Water Supply for the 2002 Season:

Unit A: The District will start the 2002 season with approximately 120,000 acre-feet of storage, depending on the actual reservoir refill this spring. With Unit A average annual diversions being around 55,000 acre-feet, users can count on a full 2002 season's supply.

Unit B: Because of the dry conditions the last 2 years the aquifer has experienced about a 2-foot decline, but we do not anticipate any delivery problems for this season.

Formation of Water District:

Many of you have probably heard about Idaho Department of Water Resources' (IDWR) proposal to form two new Water Districts, one for Basin 35 and another for Basin 36. A&B Irrigation District is located in Basin 36.

The formation of these Water Districts will allow IDWR to monitor and regulate Water Rights within them.

A&B Irrigation District has been actively involved in this process from the beginning and will be addressing any requirements that may be made by IDWR that effect A&B Irrigation District's farm units and pumping facilities.

Funding Available for Conversion to Sprinkler from Gravity:

The District has been actively working through cooperative agreements with the Bureau of Reclamation to close the Districts injection wells. Funding has recently become available through the NRCS for conversions from gravity to sprinkler irrigation. Where this type of conversion would assist the District with its injection well closure program, you may qualify for Federal Funding up to \$50,000. If you have any questions regarding this program please contact Dan Temple at the office 436-3152.

Automation & Flow Control:

The District has started installing some new and exciting equipment. This equipment includes Variable Speed Frequency Drives and Magnetic Drive Couplings, both being controlled with automation equipment on District pumps.

With this combination of equipment being installed it creates numerous benefits to both the water user and District.

- Water Conservation.
- Energy usage reductions.
- No return flows to the drains.
- Remote control start & stop of District pumps.
- Some laterals and drains can be removed reducing maintenance costs, also assisting in farm unit square-ups.
- Injection well closures.

If you are considering any changes on your irrigation systems, please contact the office so together we can maximize the benefits of the delivery and sprinkler systems.

Commingle Policy A&B and Private Water Rights:

Under the laws of the State of Idaho, the water rights of A&B Irrigation District are held for the irrigation of lands within the A&B Irrigation District, and water diverted by the District under these rights must be applied and used on only those lands in the District that are identified under the District's water rights as the place of use.

Individuals that are owners and/or operators of privately held water rights may or may not have a legal right to apply water under those rights to A&B farm units to supplement A&B water, depending on the place of use element of the right.

If an illegal use is found to be occurring by applying A&B Irrigation District water to lands other than lands to which the District water rights are appurtenant, and the illegal use is not terminated to the satisfaction of the District, legal action will be taken to enjoin such illegal use, and whether the illegal use is terminated voluntarily or by court order, the following rules shall apply to the landowner's land that was entitled to receive the water illegally used in that irrigation season, to-wit:

1. The farm unit shall immediately lose its eligibility to be included in any farm unit combination for the year any illegal water use occurs and any existing combination shall be deemed to be void.
2. The excess water rate that will apply and be charged to the owner of such farm unit or units will be \$50.00 per acre-foot for each acre-foot of excess water used.

Ellis Lloyd Announces Retirement:

East Water Master Ellis Lloyd has announced that after 35 years with the District he will be retiring April 30, 2002.

Calvin Pruett, who has been with the District 19 years, has been promoted to East Yard Water Master. Calvin looks forward to getting acquainted with each of you and working to provide the same quality of service that Ellis has provided for so many years. If you get a chance please stop into the East yard and help us wish Ellis the best of luck in his retirement.

Property Sales or Exchanges:

Please advise the District as soon as possible of any real property changes within the District boundaries. Before the District can make any ownership changes on our records we need a copy of the recorded Warranty Deed and a copy of the survey. Please remind the Title Company or attorney handling the transaction to send the District a copy.

Certificate of Landholding Forms:

The Federal Reclamation Reform Act requires every landholder with landholdings above 240 acres to annually file a Certificate of Landholdings form. No irrigation water can be provided by the A&B Irrigation District to any landowner or lessee in 2002 until a "Certificate of Landholdings" form is filed in the A&B Irrigation District office, even if Construction, Operation & Maintenance, and Excess Water charges are paid.

Appendix D

Exhibit 425

Email correspondence from Matthew Anders, IDWR

Christian Petrich

From: Anders, Matthew [Matthew.Anders@idwr.idaho.gov]
Content: Monday, December 17, 2007 3:03 PM
To: Christian Petrich
Subject: A&B Data 1
Attachments: AB_data.zip

Christian,

My first try came back saying it was too large for your email, so I'm going to send this in 4 pieces....

Here is what I found in the files that might help with what you are trying to do. Let me know if you have any questions or are looking for something else.

Attached are:

"A&B_Irr_Deep_UIC.mdb" A subset of our UIC database in Access.

"AB_UIC_gis" GIS points for the wells with the UIC database as the attribute table.

"AB_drain_water_mgt.pdf" on pages 5 and 6 of the report, they made a really "ballpark" historical estimate of 240 cfs during July (highest injection month), based on 79 wells with an average capacity of 3 cfs.

"AB_UIC_theo_calc.pdf" is a theoretical calculation of the capacity of each injection well. Use "AB_well_cross_ref.pdf" to get the IDWR UIC well number and relate it back to the GIS points and UIC database

"AB_delivery_af.pdf" Not really sure what this was for, but it looks like an estimate of the total delivery by season to different parts of their system. If you think this might be helpful, let me know and I'll see if I can chase down some GIS lines for the A&B system.

If you want access to UIC files yourself, let me know and we'll arrange a time.

Matt

Matt Anders
Hydrogeologist, UIC Program
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

Cell: 208-287-4932
Fax: 208-287-6700

Appendix E

Exhibit 426

Christian Petrich Resume

Education

Ph.D., Geology

University of Idaho

M.S., Civil Engineering

Washington State University

B.S., Resource Conservation

University of Montana

Professional Certifications

Professional Engineer

Idaho No. 9011

Professional Geologist

Idaho No. 1088

Certified Professional Mediator

Idaho No. 251

Certified Water Rights Examiner

Idaho No. 7-132

Areas of Expertise

- Aquifer characterization
- Ground water monitoring
- Ground and surface water interaction
- Simulation of ground water flow
- Geothermal analysis and simulation
- Flow augmentation in the lower Snake River
- Solving water conflicts through mediation
- Teaching and instruction

Experience Summary

Dr. Petrich has over 20 years of progressive academic, professional, and managerial experience in hydrology and water resource engineering. He has particular expertise in characterizing and evaluating ground water flow systems, ground water monitoring, development and calibration of numerical ground water flow models, analysis of geothermal systems, and solving water problems through facilitation and mediation.

SPF Water Engineering, LLC – 2004 to present

Dr. Petrich is currently a Principal Engineer with (and co-founder of) SPF Water Engineering, LLC (SPF). SPF provides hydrologic characterization, water resource development, and water distribution engineering services. Dr. Petrich's recent project experience includes the following:

- Idaho Ground Water Appropriators – technical support for A&B Delivery Call
- Ada-Elmore Water Project – analysis of surface and ground water availability, development of Aquifer Storage and Recovery Strategy
- Numerous Clients – hydrologic and water supply studies in Ada, Blaine, Boise, Elmore, Gooding, Canyon, Valley, Teton, and Owyhee counties
- United Water Idaho – comprehensive water supply assessment for public water system with 87 high-capacity wells
- McCain Foods USA – water supply assessment for a 4 MGD potato processing facility
- Numerous Clients – various water right permitting, water right transfer, and expert witness services
- Numerous Clients – ground- and surface-water monitoring and data analysis
- Idaho Department of Water Resources - Technical support for the Interim Legislative Committee on Water Resources
- Idaho Office of the Attorney General – Technical support for Lower Snake River water issues

Idaho Water Resources Research Institute–1996 to 2004

- Treasure Valley Hydrologic Project (Idaho Department of Water Resources) – Dr. Petrich served as Principal Investigator for this 8-year regional ground water study, which included (1) extensive ground water level measurements, (2) monitoring

well construction, (3) seepage measurements in the New York Canal, (5) collection, analysis, and interpretation of water chemistry data, and (6) construction and calibration of a numerical ground-water flow model to simulate increases in Treasure Valley ground water withdrawals.

- Assessment and simulation of hydrologic conditions in the Boise Front geothermal aquifer (City of Boise and the National Renewable Energy Laboratory)
- Review and interpretation of lower Snake River subyearling fall chinook salmon migration data (Idaho Department of Water Resources)
- Coordinated various Institute outreach events, including the Treasure Valley Water Summit and a periodic water seminar

University of Idaho—1989 through 1996

- Doctoral research in the transport of conservative ion (e.g., bromide) and particle tracers (2-, 5-, and 15- μ polystyrene microspheres and agarose-encapsulated flavobacterium) in a shallow, unconsolidated aquifer
- Taught or co-taught the following graduate-level courses: Computer Geology (1989), Computer Applications in Hydrology (1989, 1991), and Contaminant Hydrogeology (1990, 1992, 1995)

Assorted Consulting Experience, 1986–1995

- Executive Secretary for the Pullman–Moscow Water Resources Committee (1994–1996)
- Independent Consultant (1989 and 1996) – projects included well design, well interference investigations, short course presentations, and numerical modeling
- Terragraphics Environmental Engineering, Moscow, Idaho (1993 and 1995, part-time)
- Engineering-Science, Inc. (Cleveland, Ohio, 1986–1987)

Selected Public Domain Publications, Presentations, and Short Courses

Petrich, C. and S. Urban. 2004. Characterization of Ground Water Flow in the Lower Boise River Basin. Idaho Water Resources Research Institute and the Idaho Department of Water Resources, Research Report IWRRI-2004-01.

Petrich, C.R. 2004. Simulation of Ground Water Flow in the Lower Boise River Basin. Idaho Water Resources Research Institute, Research Report IWRRI-2004-02.

- Petrich, C.R. 2004. Simulation of Increased Ground Water Withdrawals in the Treasure Valley Associated with Unprocessed Well Applications. Idaho Water Resources Research Institute, Research Report IWRRI-2004-03.
- Petrich, C.R., 2004. Treasure Valley Hydrologic Project-Executive Summary. Idaho Water Resources Research Institute, Research Report IWRRI-2004-04.
- Petrich, C. 2003. Hydrogeologic Conditions in the Boise Front Geothermal Aquifer. Idaho Water Resources Research Institute, Research Report IWRRI-2003-05.
- Zyvoloski, G., Keating, E. and Petrich, C., 2003. Simulation of potential increased withdrawal and re-injection from the Boise Front Geothermal Aquifer, Idaho Water Resources Research Institute, Research Report IWRRI-2003-04.
- Petrich, C. 2003. Investigation of Hydrogeologic Conditions and Ground Water Flow in the Boise Front Geothermal Aquifer (Executive Summary). Idaho Water Resources Research Institute, Research Report IWRRI-2003-07.
- Petrich, C. and J. Doherty. 2003. Simulation of increased ground water withdrawals associated with unprocessed well applications in the lower Boise River basin, Idaho. In Proceedings of MODFLOW 2003, Colorado School of Mines, Golden, CO.
- Hutchings, J. and C. Petrich. 2002. Ground Water Recharge and Flow in the Regional Treasure Valley Aquifer System-Geochemistry and Isotope Study. Idaho Water Resources Research Institute, Research Report IWRRI-2002-08.
- Hutchings, J. and C. Petrich. 2002. Influence of Canal Seepage on Aquifer Recharge near the New York Canal. Idaho Water Resources Research Institute, Research Report IWRRI-2002-09.
- Dreher, K., C. Petrich, K. Neely, E. Bowles, and A. Byrne. 2000. Review of survival, flow, temperature, and migration data for hatchery-raised, subyearling fall Chinook Salmon above Lower Granite Dam, 1995-1998. Idaho Department of Water Resources.
- Tuthill, D., C. Petrich, T. Morse, B. Kissinger, and J. Oakleaf. 2000. Migration from tabular to spatial data analysis techniques for water management in Idaho. Journal of Hydroinformatics. Vol. 2, No.3, pp. 183-195.
- Petrich, C. 2002. Treasure Valley Hydrology-an Overview (*presentation*). Treasure Valley Water Summit, Boise, Idaho.
- Petrich, C. 2001. An Introduction to Ground Water Flow Modeling (*presentation*). 18th Annual Water Law & Resources Issues Seminar, Idaho Water Users Association.
- Petrich, C. 2001. Use of PEST for Model Calibration to Ground Water Levels and Residence Times (*presentation*). Connections 2001, Boise, Idaho.

- Petrich, C., S. Urban, and J. Hutchings. 1999. Development and Calibration of a Regional-Scale Ground Water Flow Model in Southwestern Idaho, U.S.A (*presentation*). Geological Society of America Annual Meeting, Denver, Colorado.
- Petrich, C., S. Urban, H. Anderson, and D. Tuthill, Jr. 1999. Development of a Hydrologic Data Platform for Conjunctive Management in Southwest Idaho (*presentation*). NGWA Pacific Northwest Focus Ground Water Conference, Portland, Oregon.
- Petrich, C., K. Stormo, D. Ralston, and R. Crawford. 1998. Encapsulated cell bioremediation: evaluation on the basis of particle tracer tests. *Ground Water*, Vol. 36, No. 4., pg. 771.
- Gregory, B. and C. Petrich. 1998. Water Rights Mediation Training (*short course*). Idaho Mediation Association.
- Johnson, G., C. Petrich, and D. Cosgrove. 1998 (January and May). An Introduction to Ground Water Modeling (*short course*). Idaho Water Resources Research Institute short course, Boise, Idaho.
- Petrich, C. and D. Ralston. 1998. Evaluation of Encapsulated Cell Movement in a Heterogeneous, Sedimentary Aquifer (*presentation*). International Conference on Future Ground Water Resources at Risk, Changchun, China.
- Carlson, R.A. and C. Petrich. 1998. New York Canal Geologic Cross-Section, Seepage Gain/Loss Data, and Ground Water Hydrographs: Compilation and Findings. Idaho Water Resources Research Institute and Idaho Department of Water Resources.
- Urban, S.M. and C. Petrich. 1998. 1996 Water Budget for the Treasure Valley Aquifer System. Idaho Department of Water Resources Research Report.
- Petrich, C., K. Stormo, D. Knaebel, D. Ralston, and R. Crawford. 1995. A preliminary assessment of field transport experiments using encapsulated cells. In *Proceedings of the Third International In Situ and On-Site Bioreclamation Symposium*, R. E. Hinchey et al., eds.